

Notice of Allowability

Application No.

10/037,541

Examiner

John P. Trimmings

Applicant(s)

BROWN ET AL.

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 11/22/2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-10, 12-22 and 24-25, renumbered as 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 01052006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Agent
SUPERVISOR PATENT EXAMINER
JAN 10 2006

DETAILED ACTION

This office action is in response to the applicant's amendment dated 11/22/2005.

The applicant amended claims 1, 9, 21 and 24.

Claims 1-25 are pending.

Response to Amendment

1. In view of the amendments to Claims 1, 9, 21 and 24, the examiner withdraws the rejections of said claims under 35 USC 112 second paragraph.
2. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the examiner's amendment included herein below.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Hoffman on 1/05/2005.

The application has been amended as follows:

Amendments to the Claims

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The applicant and the examiner have agreed to the following claim amendments:

As per Claim 1:

Lines 6 and 7 are amended as follows:

at least one integrated circuit disposed in the managed server and connected for operative communication to the JTAG interface, wherein the at least one integrated circuit comprises a microprocessor, and ...

As per Claim 4:

Claim 4 is cancelled without traverse.

As per Claim 9:

Lines 7 and 8 are amended as follows:

JTAG master having a JTAG interface, the at least one integrated circuit connected for operative communication to the JTAG interface, wherein the at least one integrated circuit comprises a microprocessor, and, ...

As per Claim 11:

Claim 11 is cancelled without traverse.

As per Claim 16:

Line 10 is amended as follows:

JTAG interface[-], wherein the integrated circuit comprises a microprocessor.

As per Claim 21:

Line 6 is amended as follows:

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Management controller[-], wherein the integrated circuit comprises a microprocessor.

As per Claim 23:

Claim 23 is cancelled without traverse.

As per Claim 24:

Lines 7 and 8 are amended as follows:

an integrated circuit disposed in the managed server and connected for operative communication to the JTAG interface, wherein the integrated circuit comprises a microprocessor, and ...

Allowable Subject Matter

4. Claims 1-3, 5-10, 12-22 and 24-25 are allowed.

The following is an examiner's statement of reasons for allowance: As per independent Claims 1, 9, 16, 21 and 24, the reference art of Li teaches a remote server management controller with an IOP controlling an embedded JTAG master. However, the prior art of record as well as any other pertinent disclosures (see below) taken alone, or in combination failed to teach, anticipate, suggest, or render obvious the claimed invention or the method steps of the application. Specifically, the prior arts failed to teach, anticipate, suggest, or render obvious the limitation introduced into these claims, namely: remote access of a microprocessor by way of a JTAG interface. Consequently, Claims 1, 9, 16, 21 and 24 are allowed over the prior arts of record. Claims 2-3, 5-8, 10, 12-15, 17-20 and 22 are directly or indirectly dependent upon

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Claims 1, 9, 16, 21 and 24, and therefore are also allowable over the prior arts of record. Therefore claims 1-3, 5-10, 12-22 and 24-25 are allowed, and are to be renumbered as Claims 1-22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent No. 6070253 to Tavallaei et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Trimmings whose telephone number is (571) 272-3830. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P Trimmings
Examiner
Art Unit 2138

jpt



ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100